

House _____ Amendment NO. _____

Offered By _____

1 AMEND House Committee Substitute for Senate Bill No. 12, Page 14, Section 600.090, Line 70, by
2 inserting after all of said section and line, the following:

3
4 "631.165. If the head of the alcohol or drug abuse facility finds that a person who is detained
5 for treatment and rehabilitation is presenting a likelihood of serious harm as a result of mental
6 disorder other than alcohol or drug abuse, or both, or is gravely disabled, the head of the facility shall
7 arrange for the transfer of the person to a mental health facility through a mental health coordinator,
8 or through a licensed physician, registered professional nurse, qualified counselor or mental health
9 professional designated by the mental health facility. The person may be detained for up to
10 ninety-six hours for evaluation and treatment, under the procedures of sections 632.310, 632.315,
11 632.320 and 632.325, before filing a petition for further detention under sections 632.330 and
12 632.335.

13 632.005. As used in chapter 631 and this chapter, unless the context clearly requires
14 otherwise, the following terms shall mean:

15 (1) "Comprehensive psychiatric services", any one, or any combination of two or more, of
16 the following services to persons affected by mental disorders other than intellectual disabilities or
17 developmental disabilities: inpatient, outpatient, day program or other partial hospitalization,
18 emergency, diagnostic, treatment, liaison, follow-up, consultation, education, rehabilitation,
19 prevention, screening, transitional living, medical prevention and treatment for alcohol abuse, and
20 medical prevention and treatment for drug abuse;

21 (2) "Council", the Missouri advisory council for comprehensive psychiatric services;

22 (3) "Court", the court which has jurisdiction over the respondent or patient;

23 (4) "Division", the division of comprehensive psychiatric services of the department of
24 mental health;

25 (5) "Division director", director of the division of comprehensive psychiatric services of the
26 department of mental health, or his designee;

27 (6) "Gravely disabled", a condition in which a person, as a result of mental illness or mental
28 disorder, lacks judgment in the management of his or her resources and in the conduct of his or her
29 social relations to the extent that his or her health or safety is significantly endangered and he or she
30 lacks the capacity to understand that this is so. A person of any age can be gravely disabled, but such
31 term shall not include a person who has a developmental disability unless such person also has a
32 mental illness or mental disorder. The determination of gravely disabled shall be based upon the
33 person's mental illness or mental disorder;

34 (7) "Head of mental health facility", superintendent or other chief administrative officer of a
35 mental health facility, or his designee;

36 [(7)] (8) "Judicial day", any Monday, Tuesday, Wednesday, Thursday or Friday when the
37 court is open for business, but excluding Saturdays, Sundays and legal holidays;

Action Taken _____ Date _____

1 [(8)] (9) "Licensed physician", a physician licensed pursuant to the provisions of chapter 334
 2 or a person authorized to practice medicine in this state pursuant to the provisions of section
 3 334.150;

4 [(9)] (10) "Licensed professional counselor", a person licensed as a professional counselor
 5 under chapter 337 and with a minimum of one year training or experience in providing psychiatric
 6 care, treatment, or services in a psychiatric setting to individuals suffering from a mental disorder;

7 [(10)] (11) "Likelihood of serious harm" means any one or more of the following but does
 8 not require actual physical injury to have occurred:

9 (a) A substantial risk that serious physical harm will be inflicted by a person upon his own
 10 person, as evidenced by recent threats, including verbal threats, or attempts to commit suicide or
 11 inflict physical harm on himself. Evidence of substantial risk may also include information about
 12 patterns of behavior that historically have resulted in serious harm previously being inflicted by a
 13 person upon himself; or

14 (b) A substantial risk that serious physical harm to a person will result or is occurring
 15 because of an impairment in his capacity to make decisions with respect to his hospitalization and
 16 need for treatment as evidenced by his current mental disorder or mental illness which results in an
 17 inability to provide for his own basic necessities of food, clothing, shelter, safety or medical care or
 18 his inability to provide for his own mental health care which may result in a substantial risk of
 19 serious physical harm. Evidence of that substantial risk may also include information about patterns
 20 of behavior that historically have resulted in serious harm to the person previously taking place
 21 because of a mental disorder or mental illness which resulted in his inability to provide for his basic
 22 necessities of food, clothing, shelter, safety or medical or mental health care; or

23 (c) A substantial risk that serious physical harm will be inflicted by a person upon another as
 24 evidenced by recent overt acts, behavior or threats, including verbal threats, which have caused such
 25 harm or which would place a reasonable person in reasonable fear of sustaining such harm.
 26 Evidence of that substantial risk may also include information about patterns of behavior that
 27 historically have resulted in physical harm previously being inflicted by a person upon another
 28 person;

29 [(11)] (12) "Mental health coordinator", a mental health professional who has knowledge of
 30 the laws relating to hospital admissions and civil commitment and who is authorized by the director
 31 of the department, or his designee, to serve a designated geographic area or mental health facility and
 32 who has the powers, duties and responsibilities provided in this chapter;

33 [(12)] (13) "Mental health facility", any residential facility, public or private, or any public
 34 or private hospital, which can provide evaluation, treatment and, inpatient care to persons suffering
 35 from a mental disorder or mental illness and which is recognized as such by the department or any
 36 outpatient treatment program certified by the department of mental health. No correctional
 37 institution or facility, jail, regional center or developmental disability facility shall be a mental health
 38 facility within the meaning of this chapter;

39 [(13)] (14) "Mental health professional", a psychiatrist, resident in psychiatry, psychologist,
 40 psychiatric nurse, licensed professional counselor, or psychiatric social worker;

41 [(14)] (15) "Mental health program", any public or private residential facility, public or
 42 private hospital, public or private specialized service or public or private day program that can
 43 provide care, treatment, rehabilitation or services, either through its own staff or through contracted
 44 providers, in an inpatient or outpatient setting to persons with a mental disorder or mental illness or
 45 with a diagnosis of alcohol abuse or drug abuse which is recognized as such by the department. No
 46 correctional institution or facility or jail may be a mental health program within the meaning of this
 47 chapter;

48 [(15)] (16) "Ninety-six hours" shall be construed and computed to exclude Saturdays,

1 Sundays and legal holidays which are observed either by the court or by the mental health facility
2 where the respondent is detained;

3 [(16)] (17) "Peace officer", a sheriff, deputy sheriff, county or municipal police officer or
4 highway patrolman;

5 [(17)] (18) "Psychiatric nurse", a registered professional nurse who is licensed under chapter
6 335 and who has had at least two years of experience as a registered professional nurse in providing
7 psychiatric nursing treatment to individuals suffering from mental disorders;

8 [(18)] (19) "Psychiatric social worker", a person with a master's or further advanced degree
9 from an accredited school of social work, practicing pursuant to chapter 337, and with a minimum of
10 one year training or experience in providing psychiatric care, treatment or services in a psychiatric
11 setting to individuals suffering from a mental disorder;

12 [(19)] (20) "Psychiatrist", a licensed physician who in addition has successfully completed a
13 training program in psychiatry approved by the American Medical Association, the American
14 Osteopathic Association or other training program certified as equivalent by the department;

15 [(20)] (21) "Psychologist", a person licensed to practice psychology under chapter 337 with
16 a minimum of one year training or experience in providing treatment or services to mentally
17 disordered or mentally ill individuals;

18 [(21)] (22) "Resident in psychiatry", a licensed physician who is in a training program in
19 psychiatry approved by the American Medical Association, the American Osteopathic Association or
20 other training program certified as equivalent by the department;

21 [(22)] (23) "Respondent", an individual against whom involuntary civil detention
22 proceedings are instituted pursuant to this chapter;

23 [(23)] (24) "Treatment", any effort to accomplish a significant change in the mental or
24 emotional conditions or the behavior of the patient consistent with generally recognized principles or
25 standards in the mental health professions.

26 632.150. 1. A voluntary patient who has applied for his own admission may request his
27 release either orally or in writing to the head of the mental health facility and shall be released
28 immediately; except, that if the head of the facility determines that he is mentally disordered and, as
29 a result, presents a likelihood of serious physical harm to himself or others, or is gravely disabled,
30 the head of the facility may refuse the request for release.

31 2. If the request for release is refused, the mental health facility may detain the person only if
32 a mental health coordinator, a licensed physician, a registered professional nurse designated by the
33 facility and approved by the department, a mental health professional or a peace officer completes an
34 application for detention for evaluation and treatment to begin the involuntary detention of the
35 patient under this chapter.

36 632.155. 1. A voluntary patient who is a minor and who requests his release either orally or
37 in writing, or whose release is requested in writing to the head of the facility by his parent, spouse,
38 adult next of kin, or person entitled to his custody, shall be released immediately; except, that if the
39 patient was admitted on the application of another person, his release shall be conditioned upon
40 receiving the consent of the person applying for his admission.

41 2. If the head of the mental health facility determines that the minor is mentally disordered
42 and, as a result, presents a likelihood of serious physical harm to himself or others, or is gravely
43 disabled, the head of the facility may refuse the release. The mental health facility may detain the
44 minor only if a mental health coordinator, a licensed physician, a mental health professional or a
45 registered professional nurse designated by the facility and approved by the department completes an
46 application for detention for evaluation and treatment to begin the involuntary detention of the minor
47 under this chapter or, if appropriate, the minor is detained in the facility under the provisions of
48 chapter 211.

1 632.300. 1. When a mental health coordinator receives information alleging that a person, as
2 the result of a mental disorder, presents a likelihood of serious harm to himself or others, or that the
3 person is gravely disabled, he shall:

- 4 (1) Conduct an investigation;
5 (2) Evaluate the allegations and the data developed by investigation; and
6 (3) Evaluate the reliability and credibility of all sources of information.

7 2. If, as the result of personal observation or investigation, the mental health coordinator has
8 reasonable cause to believe that such person is mentally disordered and, as a result, presents a
9 likelihood of serious harm to himself or others, or that the person is gravely disabled, the mental
10 health coordinator may file an application with the court having probate jurisdiction pursuant to the
11 provisions of section 632.305; provided, however, that should the mental health coordinator have
12 reasonable cause to believe, as the result of personal observation or investigation, that the likelihood
13 of serious harm by such person to himself or others as a result of a mental disorder is imminent
14 unless the person is immediately taken into custody, or the person is gravely disabled and there exists
15 an imminent risk to the person's health or safety unless such person is immediately taken into
16 custody, the mental health coordinator shall request a peace officer to take or cause such person to be
17 taken into custody and transported to a mental health facility in accordance with the provisions of
18 subsection 3 of section 632.305.

19 3. If the mental health coordinator determines that involuntary commitment is not
20 appropriate, he should inform either the person, his family or friends about those public and private
21 agencies and courts which might be of assistance.

22 632.305. 1. An application for detention for evaluation and treatment may be executed by
23 any adult person, who need not be an attorney or represented by an attorney, including the mental
24 health coordinator, on a form provided by the court for such purpose, and must allege under oath that
25 the applicant has reason to believe that the respondent is suffering from a mental disorder and
26 presents a likelihood of serious harm to himself or to others, or is gravely disabled. The application
27 must specify the factual information on which such belief is based and should contain the names and
28 addresses of all persons known to the applicant who have knowledge of such facts through personal
29 observation.

30 2. The filing of a written application in court by any adult person, who need not be an
31 attorney or represented by an attorney, including the mental health coordinator, shall authorize the
32 applicant to bring the matter before the court on an ex parte basis to determine whether the
33 respondent should be taken into custody and transported to a mental health facility. The application
34 may be filed in the court having probate jurisdiction in any county where the respondent may be
35 found. If the court finds that there is probable cause, either upon testimony under oath or upon a
36 review of affidavits, to believe that the respondent may be suffering from a mental disorder and
37 presents a likelihood of serious harm to himself or others, or is gravely disabled, it shall direct a
38 peace officer to take the respondent into custody and transport him to a mental health facility for
39 detention for evaluation and treatment for a period not to exceed ninety-six hours unless further
40 detention and treatment is authorized pursuant to this chapter. Nothing herein shall be construed to
41 prohibit the court, in the exercise of its discretion, from giving the respondent an opportunity to be
42 heard.

43 3. A mental health coordinator may request a peace officer to take or a peace officer may
44 take a person into custody for detention for evaluation and treatment for a period not to exceed
45 ninety-six hours only when such mental health coordinator or peace officer has reasonable cause to
46 believe that such person is suffering from a mental disorder and that the likelihood of serious harm
47 by such person to himself or others is imminent unless such person is immediately taken into
48 custody, or the person is gravely disabled and there exists an imminent risk to the person's health or

1 safety unless such person is immediately taken into custody. Upon arrival at the mental health
 2 facility, the peace officer or mental health coordinator who conveyed such person or caused him to
 3 be conveyed shall either present the application for detention for evaluation and treatment upon
 4 which the court has issued a finding of probable cause and the respondent was taken into custody or
 5 complete an application for initial detention for evaluation and treatment for a period not to exceed
 6 ninety-six hours which shall be based upon his own personal observations or investigations and shall
 7 contain the information required in subsection 1 of this section.

8 4. If a person presents himself or is presented by others to a mental health facility and a
 9 licensed physician, a registered professional nurse or a mental health professional designated by the
 10 head of the facility and approved by the department for such purpose has reasonable cause to believe
 11 that the person is mentally disordered and presents an imminent likelihood of serious harm to
 12 himself or others unless he is accepted for detention, or the person is gravely disabled and there
 13 exists an imminent risk to the person's health or safety unless such person is accepted for detention,
 14 the licensed physician, the mental health professional or the registered professional nurse designated
 15 by the facility and approved by the department may complete an application for detention for
 16 evaluation and treatment for a period not to exceed ninety-six hours. The application shall be based
 17 on his own personal observations or investigation and shall contain the information required in
 18 subsection 1 of this section.

19 632.330. 1. At the expiration of the ninety-six hour period, the respondent may be detained
 20 and treated involuntarily for an additional two judicial days only if the head of the mental health
 21 facility or a mental health coordinator either has filed a petition for additional inpatient detention and
 22 treatment not to exceed twenty-one days or has filed a petition for outpatient detention and treatment
 23 for a period not to exceed one hundred eighty days.

24 2. Within ninety-six hours following initial detention, the head of the facility or the mental
 25 health coordinator may file or cause to be filed either a petition for a twenty-one-day inpatient
 26 involuntary detention and treatment period or a petition for outpatient detention and treatment for a
 27 period not to exceed one hundred eighty days, provided he has reasonable cause to believe that the
 28 person is mentally ill and as a result presents a likelihood of serious harm to himself or others, or is
 29 gravely disabled. The court shall serve the petition and list of prospective witnesses for the
 30 petitioner upon the respondent and his attorney at least twenty-four hours before the hearing. The
 31 head of the facility shall also notify the mental health coordinator if the petition is not filed by the
 32 mental health coordinator. The petition shall:

33 (1) Allege that the respondent, by reason of mental illness, presents a likelihood of serious
 34 harm to himself or to others, or is gravely disabled;

35 (2) Allege that the respondent is in need of continued detention and treatment either on an
 36 inpatient basis or on an outpatient basis;

37 (3) Allege the specific behavior of the respondent or the facts which support such
 38 conclusion;

39 (4) Affirm that attempts were made to provide necessary care, treatment and services in the
 40 least restrictive environment to the respondent on a voluntary basis, but either the petitioner believes
 41 that the respondent lacks the capacity to voluntarily consent to care, treatment and services or the
 42 respondent refuses to voluntarily consent to care, treatment and services such that proceeding with a
 43 petition for the respondent's civil detention in the least restrictive environment is necessary;

44 (5) Allege that there will be appropriate support from family, friends, case managers or
 45 others during the period of outpatient detention and treatment in the community if such commitment
 46 is sought;

47 (6) Specify the mental health program that is appropriate to handle the respondent's
 48 condition and that has agreed to accept the respondent;

(7) Specify the range of care, treatment and services that shall be provided to the respondent if the petition for further detention is sustained by the court;

(8) Name the entities that have agreed to fund and provide the specified interventions; and

(9) Be verified by a psychiatrist or by a licensed physician and a mental health professional who have examined the respondent.

3. The petitioner shall consider whether based on the respondent's condition and treatment history, the respondent meets the criteria in chapter 475, so that appointment of a full or limited guardian or conservator is appropriate for the court to consider, and if deemed so, the petitioner then shall proceed as specified in subsection 4 of this section.

4. If the head of the mental health facility, or his designee, or the mental health coordinator believes that the respondent, because of a mental illness or mental disorder, may be incapacitated or disabled as defined in chapter 475, the head of the mental health facility or mental health coordinator shall cause a petition to be filed pursuant to section 475.060 and section 475.061, if applicable, with the court having probate jurisdiction as determined by section 475.035. In addition, if the head of the mental health facility, his designee or the mental health coordinator believes it appropriate, he shall proceed with obtaining an order for the respondent's temporary emergency detention as provided for in section 475.355. Furthermore, the hearing on the petition filed pursuant to chapter 475 shall be conducted pursuant to the requirements of section 475.075 and other appropriate sections of chapter 475, and shall be held within two judicial days after termination of the ninety-six-hour civil detention period unless continued for good cause shown. Nothing contained in this subsection shall restrict or prohibit the head of the mental health facility, his designee or the mental health coordinator from proceeding under the appropriate provisions of this chapter if the petition for guardianship or conservatorship is denied.

632.335. 1. The petition for additional inpatient detention and treatment not to exceed twenty-one days or the petition for outpatient detention and treatment not to exceed one hundred eighty days shall be filed with the court having probate jurisdiction. At the time of filing the petition, the court clerk shall set a date and time for the hearing which shall take place within two judicial days of the filing of the petition. The clerk shall promptly notify the respondent, his attorney, the petitioner and the petitioner's attorney of the date and time for the hearing. The court shall not grant continuances except upon a showing of good and sufficient cause. If a continuance is granted, the court, in its discretion, may order the person released pending the hearing upon conditions prescribed by the court. The court may order the continued detention and treatment of the person at a mental health facility pending the continued hearing, and a copy of such order shall be furnished to the facility.

2. The hearing shall be conducted in as informal a manner as may be consistent with orderly procedure and in a physical setting not likely to have a harmful effect on the respondent. Due consideration shall be given by the court to holding a hearing at the mental health facility. The respondent shall have the following rights in addition to those specified elsewhere:

- (1) To be represented by an attorney;
- (2) To present evidence on his own behalf;
- (3) To cross-examine witnesses who testify against him;
- (4) To remain silent;
- (5) To view and copy all petitions and reports in the court file of his case;
- (6) To have the hearing open or closed to the public as he elects;
- (7) To be proceeded against according to the rules of evidence applicable to civil judicial proceedings;
- (8) A hearing before a jury if requested by the patient or his attorney.

3. The respondent shall be present at the hearing, unless the respondent's physical condition

1 is such that he cannot be present in the courtroom or if the court determines that the respondent's
2 conduct in the courtroom is so disruptive that the proceedings cannot reasonably continue.

3 4. At the conclusion of the hearing, if the court finds, based upon clear and convincing
4 evidence, that respondent, as the result of mental illness, presents a likelihood of serious harm to
5 himself or to others, or is gravely disabled, and that a mental health program appropriate to handle
6 the respondent's condition has agreed to accept him, the court shall order either that the respondent
7 be detained for inpatient involuntary treatment in the least restrictive environment for a period not to
8 exceed twenty-one days or be detained for outpatient detention and treatment under the supervision
9 of a mental health program in the least restrictive environment for a period not to exceed one
10 hundred eighty days.

11 632.337. 1. When the court has ordered up to one hundred eighty days of outpatient
12 detention and treatment pursuant to section 632.335 or 632.350 or 632.355, and the supervisory
13 mental health program has good cause to believe that immediate detention in a more appropriate
14 least restrictive environment is required because the respondent presents a likelihood of serious
15 harm, or is gravely disabled due to mental illness, the supervisory mental health program may direct
16 that the respondent be detained for up to ninety-six hours at an appropriate mental health program
17 that has agreed to accept the respondent and may authorize the sheriff to detain and transport the
18 respondent to that mental health program. Detention for more than ninety-six hours shall be
19 pursuant to section 632.330.

20 2. Evidence of detention for ninety-six-hour periods during the one hundred eighty-day
21 outpatient detention and treatment may be considered by the court in determining additional periods
22 of detention and treatment.

23 632.340. 1. Before the expiration of the twenty-one-day inpatient detention and treatment
24 period ordered pursuant to section 632.335, the court may order the respondent to be detained and
25 treated involuntarily for an additional period not to exceed ninety inpatient days or may order the
26 respondent to be detained for outpatient detention and treatment for a period not to exceed one
27 hundred eighty days; provided, that:

28 (1) The respondent is mentally ill and continues to present a likelihood of serious harm to
29 himself or others, or is gravely disabled; and

30 (2) The court, after a hearing, orders the respondent detained and treated for the additional
31 period.

32 2. If, within seventeen days of the court hearing described in section 632.335, the head of the
33 mental health program or the mental health coordinator has reasonable cause to believe that the
34 respondent is mentally ill and as a result presents a likelihood of serious harm to himself or others, or
35 is gravely disabled, and believes that further detention and treatment is necessary, he shall file, or
36 cause to be filed, with the court a petition for ninety days additional detention and treatment or a
37 petition for outpatient detention and treatment for a period not to exceed one hundred eighty days.
38 The court shall immediately set a date and time for a hearing on the petition, which shall take place
39 within four judicial days of the date of the filing of the petition. The court shall serve a copy of the
40 petition and the notice of the date and time of the hearing upon the petitioner, the respondent, and
41 their attorneys as promptly as possible, but not later than two judicial days after the filing of the
42 petition. The petitioner shall also file with the court, for the court to serve upon the respondent's
43 attorney not later than two judicial days after the filing of the petition, a list of the proposed
44 witnesses for the petitioner. The head of the mental health program shall notify the mental health
45 coordinator if the petition is not filed by the mental health coordinator. The petition shall comply
46 with the requirements of section 632.330, and an individualized treatment plan for the respondent
47 shall be attached thereto.

48 632.350. 1. The hearing for a ninety-day inpatient detention and treatment period or for

1 outpatient detention and treatment for a period not to exceed one hundred eighty days shall be
 2 conducted in as informal a manner as may be consistent with orderly procedure and in a physical
 3 setting not likely to have a harmful effect on the mental health of the respondent. If a jury trial is not
 4 requested, due consideration shall be given by the court to holding a hearing at the mental health
 5 program. The hearing shall be held in accordance with the provisions set forth in section 632.335.

6 2. The burden of proof at the hearing shall be by clear and convincing evidence and shall be
 7 upon the petitioner.

8 3. If the matter is tried before a jury, the jury shall determine and shall be instructed only
 9 upon the issues of whether or not the respondent is mentally ill and, as a result, presents a likelihood
 10 of serious harm to himself or others, or is gravely disabled. The remaining procedures for the jury
 11 trial shall be as in other civil matters.

12 4. The respondent shall not be required to file an answer or other responsive pleading.

13 5. At the conclusion of the hearing, if the court or jury finds that the respondent, as the result
 14 of mental illness, presents a likelihood of serious harm to himself or to others, or is gravely disabled,
 15 and the court finds that a program appropriate to handle the respondent's condition has agreed to
 16 accept him, the court shall order the respondent to be detained for involuntary treatment in the least
 17 restrictive environment for a period not to exceed ninety days or for outpatient detention and
 18 treatment under the supervision of a mental health program in the least restrictive environment for a
 19 period not to exceed one hundred eighty days.

20 632.355. 1. At the expiration of the ninety-day inpatient commitment period ordered by the
 21 court pursuant to section 632.350, the respondent may be detained and treated as an involuntarily
 22 inpatient for an additional period of time not to exceed one year or such lesser period of time as
 23 determined by the court or may be detained for outpatient detention and treatment for a period of
 24 time not to exceed one hundred eighty days; provided, that:

25 (1) The respondent is mentally ill and continues to present a likelihood of serious harm to
 26 himself or to others, or is gravely disabled; and

27 (2) The court after a hearing orders the person detained and treated for the additional period.

28 2. Within the ninety-day commitment period, the head of the mental health program or the
 29 mental health coordinator may file or cause to be filed, in compliance with the requirements of
 30 section 632.330, a petition for a one-year inpatient detention and treatment period or a petition for
 31 outpatient detention and treatment for a period not to exceed one hundred eighty days if he has
 32 reasonable cause to believe that the respondent is mentally ill and as a result presents a likelihood of
 33 serious harm to himself or others, or is gravely disabled, and that further detention and treatment is
 34 necessary pursuant to an individualized treatment plan prepared by the program and filed with the
 35 court. Procedures specified in sections 632.340, 632.345 and 632.350 shall be followed.

36 3. At the conclusion of the hearing, if the court or jury finds that the respondent, as the result
 37 of mental illness, presents a likelihood of serious harm to himself or others, or is gravely disabled,
 38 and the court finds that a program appropriate to handle the respondent's condition has agreed to
 39 accept him, the court shall order that the respondent be detained for involuntary treatment in the least
 40 restrictive environment for a period not to exceed one year or for outpatient detention and treatment
 41 under the supervision of a mental health program in the least restrictive environment for a period not
 42 to exceed one hundred eighty days.

43 632.375. 1. At least once every one hundred eighty days, the head of each mental health
 44 program shall have each respondent who is detained at the program for a one-year period under this
 45 chapter examined and evaluated to determine if the respondent continues to be mentally ill, and as a
 46 result presents a likelihood of serious harm to himself or others, or is gravely disabled. The court,
 47 the mental health coordinator for the region, the respondent and the respondent's attorney shall be
 48 provided copies of the report of the examination and evaluation described by this section and the

1 respondent's individualized treatment plan.

2 2. Upon receipt of the report, the court may, upon its own motion, or shall, upon the motion
3 of the respondent, order a hearing to be held as to the need for continued detention and involuntary
4 treatment. At the conclusion of the hearing, the court may order:

5 (1) The discharge of the respondent; or

6 (2) An appropriate least restrictive course of detention and involuntary treatment; or

7 (3) The respondent to be remanded to the mental health program for the unexpired portion of
8 the original commitment order.

9 632.390. 1. The head of a mental health program shall release any person who is
10 involuntarily detained under this chapter when, in his opinion, the person is no longer mentally ill or,
11 although mentally ill, does not present a likelihood of serious harm to himself or others, or is no
12 longer gravely disabled, even though the detention period has not expired.

13 2. Whenever the head of a mental health program discharges a person prior to the expiration
14 of the detention order, he shall notify in writing the court and the mental health coordinator.

15 3. Whenever a respondent voluntarily admits himself and the head of a mental health
16 program accepts the admission application submitted by respondent in good faith under section
17 632.105, the respondent's involuntary detention shall cease, and the head of the program shall notify,
18 in writing, the court and the mental health coordinator.

19 632.430. 1. Appeals from court orders made under this chapter may be made by the
20 respondent or by the petitioner to the appropriate appellate court pursuant to the rules of civil
21 procedure of the supreme court of Missouri pertaining to appeals. Such appeal shall have priority on
22 the docket of the appellate court and shall be expedited in all respects. The court shall notify the
23 attorney general's office whenever an appeal is filed under this subsection, and the attorney general
24 shall represent the state when it is a party to such appeal.

25 2. A motion to stay any order restricting an individual's liberty may be filed in either the
26 court or the appropriate appellate court. A stay order shall not be granted in any case where the court
27 finds that the person is so mentally ill that there is an imminent likelihood of serious physical harm
28 to himself or others if he is not detained or treated pending appeal or the person is gravely disabled
29 and there exists an imminent risk to the person's health or safety if such person is not detained or
30 treated pending appeal. Any refusal to grant a stay by the court may be reviewed by the appropriate
31 appellate court on motion."; and

32
33 Further amend said bill by amending the title, enacting clause, and intersectional references
34 accordingly.